

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 04-80326-DHW
Chapter 7

SCOTT ALAN MANN
DEANNA LEE MANN,

Debtors.

LARRY DUVALL,

Plaintiff,

Adv. Pro. No. 04-8006-DHW

v.

SCOTT ALAN MANN
DEANNA LEE MANN,

Defendants.

ORDER DENYING MOTION TO WITHDRAW

Charles M. Ingram, Sr. filed a motion to withdraw from representing the defendants/appellants in this adversary proceeding. The motion asserts that the defendants have retained other counsel.

However, no other counsel has filed an appearance in this adversary proceeding on behalf of the defendants.

The court file also reflects that the defendants have not filed the statement of issues for appeal and or the designation of the items to be included in the record on appeal. The statement and designation were due 10 days after the filing of the notice of appeal. Fed. R. Bankr. Proc. 8006.

Therefore, the appeal is not being prosecuted in accordance with the provisions of the Bankruptcy Rules.

Granting the motion to withdraw would effectively deposit a *pro se* delinquent appeal into the lap of the district court. The bankruptcy court will not impose that result on the district court, though the district court may, in its discretion, allow the withdrawal if presented with such a motion. Accordingly, it is

ORDERED that the motion is DENIED.

Done this 9 day of September, 2005.

/s/ Dwight H. Williams, Jr.
United States Bankruptcy Judge

c: Charles M. Ingram, Sr., Attorney for Defendants
Douglas A. Dellacio, Attorney for Plaintiff